



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,008	09/01/2003	Jen-Yu Hsu	LITP0003USA	2007

27765 7590 09/06/2006

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD, VA 22116

EXAMINER

DANIELSEN, NATHAN ANDREW

ART UNIT	PAPER NUMBER
----------	--------------

2627

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,008	Applicant(s) HSU ET AL.	
	Examiner Nathan Danielsen	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2003 and 03 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the 'track on' process" in the third paragraph. There is insufficient antecedent basis for this limitation in the claim. Claims 2-4 are rejected as being dependent on an indefinite claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeuchi (US Patent 5,177,718).

Regarding claim 1, Takeuchi discloses a method for processing error control for a seeking servo of an optical disk drive comprising following steps:

calculating a "track on" time when the control of a pickup head is switched from a seeking servo

system to a tracking servo system (col. 6, lines 39-46 and figures 5-7; where a lower

count value γ indicates fewer large-amplitude oscillations and thus a greater probability of successful tracking on);

moving the pickup head to the center of a movable range when the "track on" process is not

completed in a predetermined time (col. 7, lines 42-45 and 50-56 and figures 5-7); and

Art Unit: 2627

switching control of the pickup head to the tracking servo system (col. 9, line 62 through col. 10, line 8 and step ST19 in figure 6).

Regarding claim 5, Takeuchi discloses a method for processing error control for a seeking servo of an optical disk drive comprising following steps:

detecting a center error signal when control of a pickup head is switched from a seeking servo system to a tracking servo system (col. 8, lines 31-34 and figure 5A; where the tracking error in figure 5A is an indication that the objective lens is oscillating around the center position, which is assumed to be centered over the target track);

moving the pickup head to the center of a movable range when the center error signal exceeds a predetermined value (col. 8, lines 25-63 and col. 9, line 62 through col. 10, line 8; where the predetermined value is interpreted to be any value that causes SW2 to be kept on);
and

switching control of the pickup head to the tracking servo system (col. 9, line 62 through col. 10, line 8).

Regarding claims 2 and 6, Takeuchi discloses where switching control of the pickup head from the seeking servo system to the tracking servo system is determined by an 'On Track' signal (inherent for deciding when the coarse tracking has been completed (col. 8, lines 25-28)).

Regarding claims 3 and 7, Takeuchi discloses where a center servo control system is provided to move the pickup head to the center of the movable range (col. 7, lines 14-28).

Regarding claims 4 and 8, Takeuchi discloses where the pickup head oscillates at a natural frequency and moves to the center of the movable range by natural damping (suggested in col. 8, lines 25-52).

Art Unit: 2627

Response to Arguments

6. Applicant's arguments, see pages 27-29, filed 03 July 2006, with respect to the rejection(s) of claim(s) 1-4 under 35 USC § 102(b) have been fully considered and are persuasive. Applicant's arguments, see pages 29-30, with respect to the rejection(s) of claim(s) 5-8 under 35 USC §§ 102(b) and 103(a) have been fully considered and are persuasive. Therefore, these rejections have been withdrawn. However, upon further consideration, new grounds of rejection are made in view of Takeuchi, as shown above.

Closing Remarks/Comments

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Danielsen whose telephone number is (571) 272-4248. The examiner can normally be reached on Monday-Friday, 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A.L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Danielsen
09/01/2006

ND


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER